

**Introduced by Senator Strickland**February 23, 2012

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An act to amend Section 631 of the Penal Code, relating to crimes.

## LEGISLATIVE COUNSEL'S DIGEST

SB 1277, as introduced, Strickland. Invasion of privacy.

Under existing law, a person who intentionally taps or makes an unauthorized connection with a telegraph or telephone wire, line, cable, or instrument or who willfully and without the consent of all parties to the communication, reads or attempts to read or learn the contents or meaning of a message, report, or communication while the communication is in transit, is guilty of a misdemeanor, punishable by a fine or imprisonment, or both.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 631 of the Penal Code is amended to  
2     read:  
3     631. (a) ~~Any~~A person who, by means of ~~any~~ a machine,  
4     instrument, or contrivance, or in ~~any other~~ another manner,  
5     intentionally taps, or makes ~~any~~ an unauthorized connection,  
6     whether physically, electrically, acoustically, inductively, or  
7     otherwise, with ~~any~~ a telegraph or telephone wire, line, cable, or  
8     instrument, including the wire, line, cable, or instrument of ~~any~~  
9     an internal telephonic communication system, or who willfully

1 and without the consent of all parties to the communication, or in  
2 ~~any~~ *an* unauthorized manner, reads, or attempts to read, or to learn  
3 the contents or meaning of—~~any~~ *a* message, report, or  
4 communication while the—~~same~~ *communication* is in transit or  
5 passing over—~~any~~ *a* wire, line, or cable, or is being sent from, or  
6 received at—~~any~~ *a* place within this state; or who uses, or attempts  
7 to use, in any manner, or for any purpose, or to communicate in  
8 any way, ~~any~~ information so obtained, or who aids, agrees with,  
9 employs, or conspires with—~~any~~ *a* person or persons to unlawfully  
10 do, or permit, or cause to be done any of the acts or things  
11 mentioned above in this section, is punishable by a fine not  
12 exceeding two thousand five hundred dollars (\$2,500), or by  
13 imprisonment in the county jail not exceeding one year, or by  
14 imprisonment pursuant to subdivision (h) of Section 1170, or by  
15 both a fine and imprisonment in the county jail or pursuant to  
16 subdivision (h) of Section 1170. If the person has previously been  
17 convicted of a violation of this section or Section 632, 632.5, 632.6,  
18 632.7, or 636, he or she is punishable by a fine not exceeding ten  
19 thousand dollars (\$10,000), or by imprisonment in the county jail  
20 not exceeding one year, or by imprisonment pursuant to subdivision  
21 (h) of Section 1170, or by both that fine and imprisonment.

22 (b) This section shall not apply (1) to—~~any~~ *a* public utility  
23 engaged in the business of providing communications services and  
24 facilities, or to the officers, employees or agents thereof, where  
25 the acts otherwise prohibited herein are for the purpose of  
26 construction, maintenance, conduct or operation of the services  
27 and facilities of the public utility, or (2) to the use of—~~any~~ *an*  
28 instrument, equipment, facility, or service furnished and used  
29 pursuant to the tariffs of a public utility, or (3) to—~~any~~ *a* telephonic  
30 communication system used for communication exclusively within  
31 a state, county, city and county, or city correctional facility.

32 (c) Except as proof in an action or prosecution for violation of  
33 this section, no evidence obtained in violation of this section shall  
34 be admissible in—~~any~~ *a* judicial, administrative, legislative, or other  
35 proceeding.

36 (d) This section shall become operative on January 1, 1994.